**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.M.No.24295-CII of 2005 in**
**C.R.No. 3683 of 2003 (O&M).**

**Date of decision : 11.9.2006.**

State of Punjab and Anr.

.....Petitioners.

Versus

Rajinder Pal Garg and Anr.

.....Respondents.

**CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA**

Present : Mr.H.S.Gill, DAG, Punjab.

Mr. Ajay Pal Singh,Advocate
for respondentNo.1.

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**VINOD K. SHARMA,J.( ORAL )**

**C.M.No.24295-CII of 2005**

The present C.M.has been filed for staying the operation of the impugned order.

The counsel for the parties are agreed that the main case be taken up for hearing. Accordingly, the main case is taken on board for hearing.

**C.R.No. 3683 of 2003**

Heard.

This revision petition has been filed against the order dated 19.4.2003 passed by the learned Addl.Civil Judge (Sr.Divn.), Bathinda dismissing the objections filed by the petitioner under Sections 30 & 33 of the Arbitration Act 1940 and making the award rule of the Court.

Prima facie present revision is not maintainable as the order passed by the learned Addl. Civil Judge (Sr.Divn.), Bathinda was appealable and the State did not opt to file any appeal.

Mr. H.S.Gill,DAG, Punjab contended that the present revision petition is competent as the whole proceedings are without jurisdiction inasmuch as under Arbitration and Conciliation Act, 1996 there is no provision for making award the rule of the Court.

I have considered the contention raised by the learned counsel for the petitioners and find it totally misconceived. In the present case reference was made by Sh. Sanjeev Kumar Garg, Addl. Civil Judge (Sr.Divn.), Bathinda vide order dated 17.11.2000. The application for reference of dispute under Section 20 was made prior to enforcement of 1996 Act and, therefore, the proceedings were held under the Arbitration Act, 1940 and not Arbitration and Conciliation Act, 1996. Thus, it cannot be said that the impugned order is without jurisdiction as claimed by the State.

The other contention of the learned counsel for the petitioner was that counter claim of the petitioner was rejected by a non-speaking award. This contention is also without any merit as under 1940 Act the Arbitrator could pass a non-speaking award.

No merit. Dismissed.

September 11,2006 **( VINOD K. SHARMA )**
'sp' **JUDGE**